

Application Serial No.: 10/646,192  
Attorney Docket No.: 0260257

### **REMARKS**

This is in response to the *Final* Office Action of November 9, 2010, where the Examiner has rejected claims 30-34, 41 and 170-177. By the present amendment, applicant has amended claims 30, 33 and 172. After the present amendment, claims 30-34, 41 and 170-177 will be pending in the present application. In view of the following remarks, applicant respectfully requests an early notice of allowance for claims 30-34, 41 and 170-177.

#### **A. Rejection of Claim Objection**

The Examiner has objected to claims 33 and 172 for misspelling the word "terrestrially." By the present amendment, applicant has amended claims 33 and 172 to correct the misspelling. Accordingly, applicant respectfully submits that the Examiner's objection to claims 33 and 172 has been overcome.

#### **B. Rejection of Claims 30-34 under 35 USC § 101**

The Examiner has rejected claims 30-34, under 35 USC § 112, ¶ 1, as being directed to non-statutory subject matter. By the present amendment, applicant has amended independent claim 20 to recite "receiving, using a hardware device, movie data, said movie data including a video file ...." Accordingly, applicant respectfully submits that the Examiner's rejection of claims 30 and its dependent claims 31-34, under 35 USC § 101, has been rendered moot.

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C. Rejection of Claims 30-34, 41, 170-174 and 176 under 35 USC § 102(e)

The Examiner has rejected claims 30-34, 41, 170-174 and 176, under 35 USC § 102(e), as being anticipated by Ellis (U.S. Pat. No. 7,051,360) ("Ellis").

Claim 30 of the present application recites: "A method of creating a digital home movie library," where the method comprises:

receiving, using a hardware device, movie data, said movie data including a video file, a plurality of audio files each in a different language, and associated metadata, wherein said associated metadata include a language attribute for each of said plurality of audio files;

storing on said hardware device said video file;

filtering said plurality of audio files based on said language attribute for each of said plurality of audio files and a user's selected language stored in said hardware device to select desired one or more of audio files from said plurality of audio files;

storing on said hardware device said desired one or more of audio files; and

discarding one or more of said plurality of audio files other than said desired one or more of audio files.

It is respectfully submitted that Ellis at least fails to show "receiving, using a hardware device, movie data, said movie data including a video file, a plurality of audio files each in a different language," and "discarding one or more of said plurality of audio files other than said desired one or more of audio files."

Applicant respectfully submits that, in Ellis, the television equipment does not receive said movie data including a video file, a plurality of audio files each in a different language, and it goes without saying that Ellis does not and cannot perform discarding one or more of said

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plurality of audio files other than said desired one or more of audio files, since Ellis does not even receive a plurality of audio files each in a different language.

As disclosed and taught in Ellis:

The interactive television program guide of the present invention may provide a user with the opportunity to request television programs such as in, for example, a video-on-demand (VOD) system. The interactive television program guide may inform equipment at the television distribution facility of the primary, alternate and default languages (or any suitable combination thereof) when, for example, a request is made by the program guide to the television distribution facility for a program. The television distribution facility may respond by providing the requested television program to the user's television equipment with only a single audio track containing audio in the selected language. Eliminating unnecessary audio tracks may lessen the bandwidth requirements for transmitting programming signals from the television distribution facility to a user's television equipment. (Col. 3, lines 42-57.)

As recited above, Ellis in fact teaches away from the invention of claim 1 by stating that the television distribution facility transmits a single audio track for the selected language, and does not even transmit a plurality of audio files each in a different language, in order to lessen the bandwidth. Therefore, it is clear that the television equipment in Ellis does not receive the plurality of audio files each in a different language, and does not and cannot also perform discarding any audio file that is not desired.

Accordingly, claim 30 is patentably distinguishable over Ellis. Further, independent claim 41 includes limitations similar to those of claim 30 discussed above. Therefore, independent claims 30 and 41, and their respective dependent claims should be allowed.

**D. Rejection of Claims 175 and 177 under 35 USC § 103(a)**

The Examiner has rejected claims 175 and 177, under 35 USC § 103(a), as being unpatentable over Ellis.

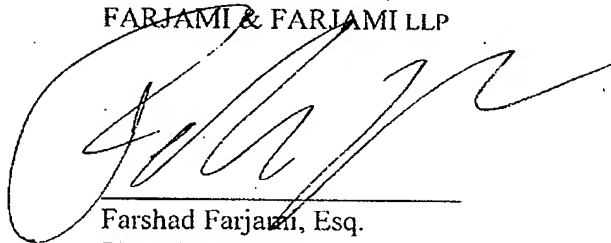
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It is respectfully submitted that claims 175 and 177 depend from claims 41 and 30, respectively, and should be allowed at least for the reasons stated above.

**E. Conclusion**

Based on the foregoing reasons, an early Notice of Allowance directed to all claims 30-34, 41 and 170-177 pending in the present application is respectfully requested.

Respectfully Submitted,  
FARJAMI & FARJAMI LLP



Farshad Farjani, Esq.  
Reg. No. 41,014

FARJAMI & FARJAMI LLP  
26522 La Alameda Ave., Suite 360  
Mission Viejo, California 92691  
Telephone: (949) 282-1000  
Facsimile: (949) 282-1002

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EVAN C. GUNDERMAN  
Name

Evan C. Gund  
Signature